

MR Kentrell D. Welch.
Name

Elystate prison

P.O. Box 1989.
Address

1030777
Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MR Kentrell D. Welch
1030777 Plaintiff,

vs.

Sr/o Rowley, C, et al.

Defendant(s).

) (A) Third claim into suit.
)
)
) CASE NO. 3:22-cv-00547
) (To be supplied by the Clerk)
) 1st Additional
) AMENDED Claims & Pleadings
) **CIVIL RIGHTS COMPLAINT**
) **PURSUANT TO**
) **42 U.S.C. § 1983**
) (1) N.R.C.P. 38(a)(b)
) (2) LR 15-1, F.R.C.P. 15(a) 19(a)
) (2) In RE: ECF No. 4

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Kentrell D. Welch,
(print Plaintiff's name)

who presently resides at Elystate prison, were
(mailing address or place of confinement)

violated by the actions of the below named individuals which were directed against

Plaintiff at ESP, White Pine County on the following dates
(institution/city where violation occurred)

2022-2021, 2020-2019, and _____
(Count I) (Count II) (Count III)

Dated this 15 day of Dec 2022

" "

CLAIM 3

1. State the constitutional or other federal civil right that was violated: 4th 14th Amendments.

2. **Claim 3.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input checked="" type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Date(s) or date range** of when the violation occurred: 2022-2021-2019-2020)

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 3. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

- ① (Esp), Ely State Prison's officials, custody Suprv's, CCS staff and O.M.A. superiors collectively, has adopted "unwritten Rule to employ grossly negligent Ndoc Disciplinary procedures in violation of AR-707.1-2 secs; op 707, 707.1; NRS 5910.045; 10.065; 209.239
- ② Esp, Ndoc state actors et al, has deprived him of his, Due process: procedural, substantial Rts; and Bona Fide liberty, Interests, Personal Immunity Interests Now (3 yrs) (via 2019-2022; Also this illicit unwritten rule, has been active within Ndoc Facilities, ongoing "Decades, violating AR 707.1-2, 733, 734, 504, 507.
- ③ Esp's, Ndoc's, illicit enactment of these illicit disciplinary, procedural process deprivations for (3 yrs). "Has caused plaintiff, The: ④ substantial loss of statutory meritorial credits; ⑤ significant increase of (RFS), risk factor scores; ⑥ demotion to punitive, disc; classification, Ad-seg status; significant proposed time onto, his proposed future, chances for parole; significant Alteration, to his everyday prison living, conditions; illicit economical loss, by package restrictions for basic prison necessities, sent by family, In violation of AR 504, 507, 701.1-2, 733, 734; NRS 209.443(1); Cont →

If you assert more than three claims, answer the questions listed above for each additional claim on a separate page.

1 NRS 209.356; 209.361; 209.246).

2 • II. Facts :

3 SRC/O Rowley, Cory, on Aug. 8. 2022 A.M. "Illicitly,
4 Issued a punitive"unwarranted disc-writ MJ28 For,
5 stoppage of operations."Rowley, after being verbally,
6 noticed plaintiff would issue a Dept. disc. against him for,
7 Threatening to physically assault plaintiff on way,
8 To proposed legal visit, in nexus to his dept. grievances,
9 civil litigation, violation of AR 740.03, 9-A; 707.1.
10 •

11 SRC/O Rowley, knowingly abusively mis-handled,
12 him, as an ADA disabled individual, causing said,
13 falling to the ground, never attempts to raise him,
14 from the unit pavement, w/o exigent circumstances,
15 still punitively issued MJ 28, to counter his complaint,
16 cover prohibited acts, violating AR 707.1-2 secs.,
17 (28 C.F.R 5
18 •

19 CCS Ray Rivera, knowingly issued an punitive,
20 MJ 56 disc-writ against plaintiff unit 4 A 17 June 2020.
21 "Said for refusal to cell up with another inmate,
22 after he was in the unit three days. Also he submitted,
23 proposed inmate to be similarly housed with, in violation,
24 of AR 707.1-2, 733, 734; 504, 507, 509) Id. Ex.

25 •

26 CCS Amended Alfred, knowingly issued an punitive,
27 disc-writ, against him on unit 2B # 23 for said;
28 refusal to house, cell up. Alfred knowingly ,

1 That as a (psu), protected Custody Inmate, his safety;
 2 was currently compromised on unit, due to relevant;
 3 illicit acts by SRC/OESignival who claimed he was,
 4 a "unit Rat, Snitch", (Sept. 29. 2020), "yelled Loudly",
 5 over, too, the 'entire tier', violation of AR 707, 1-2,
 6 733, 734, 504, 509, 509; NRS 41.035; 209.131

7 •
 8 ① L.T Curtis Ridgney, ② Sgt Stolk, ③ Sgt Cox, ④ CCS III,
 9 P. Hernandez on (Sept. 23. 2022) held a biased,
 10 partial Disc-hearing on MJ 28. "All staff refused,
 11 to call, question, All proposed Inmate unit witnesses,
 12 discounting, removing witness Names from report, Also,
 13 knowingly, Plaintiff has active dept. disc. writs,
 14 against ea. Disc-hearing staff, including L.T,
 15 Ridgney's son, C.E.R.T. / Ochet Ridgney, violation,
 16 existing Disc. protocols AR 707. 1-2, 733, 734)

17 •
 18 "All" named above, Esp CCS, custody officials,
 19 did find him Guilty for SRC/O Bowley's MJ 28. duly,
 20 multiplying, stacking Disc-Sanctions all for one,
 21 "concurrent, Also additionally taking (30 dys).
 22 Ndoc Meritorious Credits from his Sentence Structure,
 23 Although he is a 'Lifer", In open, blatant,
 24 violation of existing AR 707, 1-2 Manual guides.
 25 III. FACTS Relevant Material, circumstantial

26 •
 27 SRC/O Bartlett, punitively at (NNCC) Facility,
 28 punitively issued an MJ 57 disc-writ (3.27.2020,

1 For said refusal to move wings on unit (7B to,
 2 (7A wing). "Although w/o Exigent circumstances,
 3 SRC/O Bartlett took this action against him to,
 4 Intimidate, chill silence his protected conduct,
 5 To seek redress, directly against Bartlett for:
 6 Threats to physically assault, racial animus,
 7 religious antisemitic slander, repeated cell,
 8 thrashings, property, religious documents removals;
 9 In violation of AR 700.03, 9-A; 707.1-2, 422.)
 10 NRS 10.45; 10.065; 209.239; 41.035) Id at
 11 •

12 SRC/O Bartlett issues, are in direct causal,
 13 nexus to his litigation against NNCC, Bartlett,
 14 and causation of his legal assistance to housed,
 15 inmates: M. Seaverns Case NO. 3:20-cv-00470;
 16 J. MaHe, Case NO: 3:21-cv-00069; ECF NO. 5, 2, 5,
 17 12) Id. Ex. at: ECF NO. 21, 212, 223; Case *NO 3:20-
 18 cv-00079; per Js 44, inclusive to claims herein.
 19 •

20 L.T Dannon Bell, husband of wife: RN III Laura at,
 21 (NNCC) In Apr. 23. 2020. "Did find plaintiff,
 22 guilty, and max out All Sanctions to run concurrently
 23 Also punitively taking Ndoc (30 days) statutory,
 24 stat time, Although he is a "Lifer" violating;
 25 AR 707.1-2, 733, 734; NRS 10.45; 10.065
 26 •

27 L.T D. Bell, illicit actions, would be causally,
 28 In Nexus to Facts: RN III Laura was main •

1 deft In, ["]J. MAHe's case, Filed by plaintiff,
 2 *LT Bell, Also Input plaintiff For Immediate,
 3 Max Facility transfer to (ESP), Increasing,
 4 Mis (RES), Score From ("19-26"), Calling,
 5 'No witness': "M. severns, I/m Gaswright",
 6 In violation of AR 707.1-2, 733, 734, 504, 507).
 7 •

8 CCS II Stacy Barrett, In Aug. 2019 at (HDSp),
 9 Punitive found him guilty of an G-2 Disc. writ.
 10 Indirect attempt to chill silence his protected,
 11 Conduct per civil litigation against her officer's,
 12 constituents: c/o Gavin Liggett. "Although CCS,
 13 Barrett Knew, CCS III Larry Fredwell, previously,
 14 dismissed an MJ 32, directly related to G-2 charges,
 15 directly causation of plaintiff eye witness accounts.
 16 •

17 CCS II Barrett, Refusing to take evidence into,
 18 account as her superior CCS III L. Fredwell. "Also,
 19 verbally stating loudly on tier 3 B Aug. • 2019,
 20 That ("WeLCH"), you aint got shit coming, you,
 21 Want to file civil suits against my friends,
 22 directly before Disc. hearing, CCS II Moore present,
 23 did violate All AR 707.1-2 guides, Also AR 740,
 24 03, 9-A Sec's; NRS 41.035; 209. 239; 209. 371).
 25

26 *CCS II Moore, did at his cell shortly after CCS II,
 27 S. Barrett's improper statement of open bias,
 28 pervasive Retaliation That: CCS Barrett ;

1 made a very unwise statement, actions. That in,
 2 Future, 'IF' he needed, CCS Moore would testify,
 3 In Court hearing to Facts, as CCS Moore said &.,
 4 Im not Losing my Job etc, For her. directly,
 5 In Nexus to his civil litigation per Js 44,
 6 Case No 2:19, CV-01243 Id. U.S.D.C Files.,
 7 (28 U.S.C § 1746).

8 .

9 Esp, Ndoc superiors, O.M.A. John, Jane does,
 10 Illicitly, retains 'All' Disc-writs as "Guiltless"
 11 In Light or regardless of dismissals etc;
 12 violating existing Disciplinary procedures.
 13 This Illicit act(s), has caused plaintiff,
 14 : Negative Disc-writ records; Ndoc outlook;
 15 Continued Indefinite Ad-seg/shu; Negative views,
 16 at proposed future parole Bd.'s review's For,
 17 proposed Release into Society; In Violation,
 18 existing Disc. protocols; NRS 41.035; 209, 239;
 19 209, 371; 10.045; 10.065; 209, 371).

20

21 . I. LEGAL Claims:

22 OR cop copy Rowley, knowingly acts under color of,
 23 Law, in malicious mind state to deprive his 1st, 4th,
 24 14th Amendments. By breach of duty for: Invidious,
 25 Evil, discriminate, punitive acts causing him;
 26 Severe Intentional duress, emotional stress, injuries.

27 .

28 CCS Ray Rivera, knowingly acts under color.,

1 In malicious mindstate to deprive his 4th, 14th Amends.
 2 By evil, Invidious discriminate Intent, breaching,
 3 duty for punitive acts, causing him intentional,
 4 emotional infliction of duress, admin injuries etc.

5
 6 ccs Amanda Allred, knowingly acts under color,
 7 of law to deprive his 4th, 14th Amends. By breach,
 8 of duty for: Malicious, Invidious discriminate,
 9 acts to harm, causing wanton infliction of duress,
 10 causing Admin - injuries etc. (NRS 284.655)

11
 12 L. T Curtis Ridgway, knowingly acts under color,
 13 of law, In malicious mindstate to deprive his 4th,
 14 14th Amends. By breach of duty for: Invidious,
 15 discriminate, evil, Condonation, causing him,
 16 intentional emotional duress, stress, injuries.

17
 18 Sgt Stolk, knowingly acts under color of Law,
 19 In Malicious mindstate, to deprive his 4th, 14th Amends.
 20 By breach of duty for: Invidious discriminate,
 21 acts, by Malicious, evil Intent, causing intentional,
 22 infliction of duress, Admin - injuries etc.

23
 24 Sgt Cox, knowingly acts under color of Law,
 25 to deprive his 4th 14th Amends. By breach of duty,
 26 for: Invidious discriminate acts of Condonation,
 27 to allow illegal disc. procedures, causing severe,
 28 intentional duress, Admin - injuries.

1 CCS III P. Hernandez, Knowingly act under the,
 2 Color of law, to deprive his 4th, 14th Amendments.
 3 "By breach of duty For: Malicious, Invidious,
 4 discriminate Condonation For illicit disc. proc.;
 5 duress, Causing Intentional emotional duress, various,
 6 admin Injuries. NRS 284.655, 284.387

7
 8 L.T Damon bell, Knowingly acted under color,
 9 of Law, to deprive his 4th, 14th Amendments. By breach,
 10 of duty For: Evil, Malicious, Invidious Condonation;
 11 employ Illicit Disc. protocols, Causing Intentional duress,
 12 admin deleterious harms; NRS 284.655; 119.600.

13
 14 Senior officer Bartlett, Knowingly acted under;
 15 Color of law, to deprive his 4th, 14th Amendments. "By)
 16 breach of duty For: Evil, Malicious Condonation,
 17 acts to Invidiously discriminate, Causing him the)
 18 Intentional Infliction of duress, deleterious Harms.

19
 20 CCS II Stacy Barrett, Knowingly acted under color;
 21 of law, to deprive his 4th, 14th Amendments. "By the)
 22 breach of duty For: evil, Malicious, Invidious,
 23 discrimination, pervasive dept. Condonation, Causing)
 24 him Intentional Infliction of emotional duress,
 25 various admin, deleterious harms.

26
 27 "All" Named Esp, NCC, Hdsp State actors,
 28 Act under color of law, culpably in mind state,

1 to deprive his 4th, 14th Amendments. By breach of duty,
 2 For "protracted deprivation of rts," "spanning" now;
 3 Three Ndoc Facilitate, w/o Cease, In grossly,
 4 Negligent, Malicious Acts, to Invidiously dis,
 5 criminate. NAC 384.770; NRS 284.655)

6 .
 7 "All Named", Ndoc employees Act under Color of law,
 8 For breach of duty, Failing to perform duties;
 9 Affirmative, government, Operational and,
 10 administrative functions For Improper, Illicit,
 11 due process violations per NRS 209.371

12
 13 "All named", Esp, Ndoc officials acted under color,
 14 of law, In culpable mind state to deprive his,
 15 4th 14th Amendments. By breach of duty For: Subjectively
 16 Failing to act, Intervene, In face of Const. l vio's,
 17 "objectively knowingly disregarding serious,
 18 bona fide liberty, due process procedural rts.,
 19 per F.R.C.P 12 (b) (6); NRS 284.440(a) (b).

20
 21 "All named" Esp, Ndoc act under color of law,
 22 By Meeting of minds to deprive his 4th 14th.
 23 "By breach of duty For: Conspiracy of Command,
 24 Consultation, Communication, Cooperation. To,
 25 Invidiously deny his rts as a U.S. Citizen,
 26 by dissimilarly treatment, For rts secured to All.

27 .
 28 All Named Esp, Ndoc Named state actors .)

1 Knowingly act under color of law, to deprive his,
 2 4th, 14th Amendments. "By breach of duty, knowingly,
 3 Invidiously, discriminating against him By,
 4 violating Ndoc Disc. procedures, protocols,
 5 as with Impunity, violating AR 707.1-2; op,
 6 707, 707.1; NRS 284.440(a)(b)

7
 8 "All Named", state actors of Esp, Ndoc act,
 9 under color of law, In requisite, culpable;
 10 mind state to deprive his 4th, 14th Amendments.
 11 "By Causation of: breach of duty, by Invidious,
 12 discriminate, cause of his: religious, ADA disability,
 13 African ethnicity, causation of civil litigation,
 14 Class, depriving his rts as U.S. Citizen Forfeits,
 15 Secured to All per NRS 209.371; 209.131;
 16 209.161; 209.246; 209.371)

17 • (A) Injuries sec:

18 plaintiff suffers The Irreparable, Unbearable,
 19 Injuries as follows: ongoing atypical signif,
 20 1 cant hardship for prison conditions; severe change,
 21 In daily prison conditions; Indefinite Ad-seg/5 NY,
 22 substantial unwarranted punitive loss of Ndoc,
 23 Statutory credits; additional sentence structure,
 24 added time; Negative Increase of (RFS), risk,
 25 Factor Scores; punitive Max Facility transfers;
 26 severe risk's of loss of expected parole,
 27 eligibility for future release; economic loss,
 28 substantial: Bonafide due process, liberty

1 Interests, personal Immunities damages,
 2 extended New Injuries of prolonged Isolation,
 3 by punitive (8.8.2022), disc. writ; persisting,
 4 Intentional Infliction of emotional distress,
 5 substantial psych scarring, Mental decompensation,
 6 neurological, deleterious harms; substantial,
 7 physical New bodily Impairment Injuries,
 8 substantial physical exacerbation of existing,
 9 Chronic diseases; substantial chronic daily,
 10 pain, numbing, Weakness, severe weight loss,
 11 R/A deleterious body damages; substantial,
 12 pain, mental, physical for exposure to unit,
 13 psyc, (S.M.I) severely mentally ill inmates,
 14 excessive noise, lack of unit or outside active,
 15 physical recreation, activities, programs etc
 16 •

17 "Plaintiff, has been and will continue to be,
 18 irreparably harmed by this Illicit conduct of defts;
 19 unless this Court grants All declaratory and,
 20 Injunctive relief sought.

21 : I. PRAYER FOR Relief:

22 Wherefore plaintiff respectfully pray That,
 23 This Court enter judgments:

24 (a)

25 granting plaintiff a declaration that acts,
 26 omissions described herein violate his rts;
 27 under the united states Constitution per 28 U.S.C
 28 2201, 2202)

1 (b) granting a preliminary and permanent,
2 Injunction's as follows:

3 ①

4 Erase, void, cancellation of All punitive,
5 disc. writs, Also Reduction of RFS Score;

6 ②

7 order Ndoc defts, Superiors to propose a,
8 "comprehensive plan for Negotiation between defts,
9 respondents, plaintiff for equitable do's, don'ts,
10 of New Ndoc will Fix, correct Illicit disc. use;
11 of disc. procedures per Fed. Rule. Ev. 706;

12 ③

13 court order to defts, to allow plaintiff to,
14 "present proposed plan, for transfers;

15 ④

16 Court order defts to: ensure detailed noted,
17 doc's to plaintiff showing: All disc. writs,
18 removed for punitive writs; All RFS score pts,
19 Void, removed from Institutional records;

20 ⑤

21 "economic damages", in amount of \$1,500, For,
22 total of loss packages, clothing, shoes, necessities,
23 and other property, religious, legal doc's losses;

24 ⑥

25 granting him "compensatory damages" of 50,000,
26 For protracted deprivation for (3yrs);

27 ⑦

28 granting him "Nominal" damages of \$5,000;

1 jointly, severally from each defendant liable,
 2 ⑧
 3 granting him "punitive damages" of \$50,000,
 4 for protracted, illicit deprivations;
 5 ⑨

6 Any additional relief this court deems,
 7 proper, just, & equitable.
 8

9 Dated: Dec. 15, 2022)

10
 11 respectfully submitted MR Kentrell D. Welch,
 12 # 1030777
 13 ESP PO Box 1989
 14 Elko, NV, 89301-White Pine Cnty.
 15

16 Verification:

17 I have read the following Complaint amended,
 18 claim, pleadings and hereby verify that,
 19 the matters alleged herein are true, correct,
 20 except to matters alleged on information and,
 21 belief, and as to those, I believe them to be,
 22 true. I certify under penalty of perjury that,
 23 the foregoing is true and correct by personal,
 24 experience. Fed. R. Ev. #102, 401, 201(b);
 25 NRS 208.165; (28 U.S.C. 1746).
 26

27 Executed at: ESP NRS 1985, 1643

28 /s/ Kentrell Dale

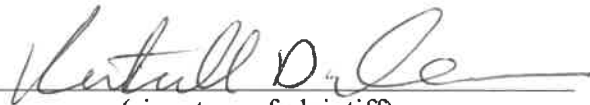
D. REQUEST FOR RELIEF

I believe I am entitled to the following relief: ① Declaratory Relief 28 U.S.C. 2201, 2202)

- ② Injunctive relief, (28 U.S.C. 2283, 2284)
- ③ Punitive Damages \$50,000 P.L.R.A Limits
- ④ Economical damages \$7,500
- ⑤ Nominal damages \$5,000 Jointly, severally all debts
- ⑥ Compensatory damages \$50,000

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(name of person who prepared or helped
prepare this complaint if not the plaintiff)


(signature of plaintiff)

Dec. 15, 2022-
(date)

AFFIRMATION PURSUANT TO NRS 239B.030

I, Kentrell D. Welch., NDOC# 1030777,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED 1st additional amended,
pleadings.

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 23 DAY OF June, 2023.

SIGNATURE: Kentrell D. Welch.

INMATE PRINTED NAME: Kentrell D. Welch.

INMATE NDOC # 1030777

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

Witness List (3)

- (1) CCSII MOORE - high desert CCS staff.
- (2) CCSII Barrett - high desert CCS staff.
- (3) CCSIII Larry Fredwell
- (4) Inmate Mark Severns # 1170560
- (5) Inmate Jason White #
- (6) Inmate Troy Singleton
- (7) Inmate Roland Nolan
- (8) Inmate Mark Stewart
- (9) L.T Damon Bell (NWCC)
- (10) CCSI Perry (NWCC)
- (11) Inmate Gaswright.

(NRS 1985, 1643)

Dec. 15. 2022